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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/586,078

07/14/2006

Srinivas Gutta

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09/26/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BESROUR, SAOUSSEN

ART UNIT

PAPER NUMBER

2131

MAIL DATE

DELIVERY MODE

09/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/586,078 | Applicant(s) GUTTA ET AL. | |
| | Examiner SAOUSSEN BESROUR | Art Unit 2131 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/14/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed 6/5/2008.
2. Claims 1-20 were received for consideration.
3. No preliminary amendments for the claims were filed. Currently claims 1-20 are under consideration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-20** are rejected under 35 U.S.C. 102(b) as being anticipated by Musgrave (6,208,746).

As per **claims 1, 8 and 15**, Musgrave discloses: embedding a biometric watermark in said content (Column 3, Lines 11-15); and providing access to a user of said content if a biometric sample of said user matches said embedded biometric watermark (Column 4, Lines 40-45).

As per **claims 2, 9 and 16**, rejected as applied to claims 1, 7 and 13. Musgrave discloses: wherein said embedded biometric watermark includes a biometric image (Column 3, lines 5-66).

As per **claims 3, 10 and 17**, rejected as applied to claims 1, 7, and 13. Musgrave discloses: the step of determining if said biometric sample is a live biometric (Column 3, Lines 5-66).

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As per **claim 4, 11 and 18**, rejected as applied to claims 1, 7 and 13. Musgrave discloses: wherein said embedded biometric watermark includes information describing a system employed by said user to obtain said content (Column 4, Lines 40-45).

As per **claims 5, 12 and 19**, rejected as applied to claims 4, 10 and 16. Musgrave discloses: wherein said providing step further comprises the step of evaluating one or more parameters of a system employed by said user to access said content (Column 4, Lines 47-63).

As per **claim 6, 13 and 20**, rejected as applied to claims 4, 10 and 17. Musgrave discloses: wherein said providing step further comprises the step of providing access to said content if said content is on a system that has been previously authorized for said user (Column 4, lines 47- column 5, lines 5).

As per **claim 7 and 14**, rejected as applied to claims 1. Musgrave discloses: the step of disabling access to said content if said biometric sample of said user does not match said embedded biometric watermark (Column 5, Lines 10-30).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAOUSSEN BESROUR whose telephone number is (571)272-6547. The examiner can normally be reached on M-F 8:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. B./
Examiner, Art Unit 2131

/Syed Zia/

Primary Examiner, Art Unit 2131